

REMARKS

With regard to the requirement for restriction which is the only point raised in the Official Action, Applicant hereby provisionally elects to prosecute Group I, covering claims 20-31, 40-43, and reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention of Group II.

It is noted that each named inventor of the subject matter of the instant application contributed at least to one of the claims presently on file.

Reference is also made to M.P.E.P., Section 821.04, relating to rejoinder of non-elected invention. As noted, the propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits. In order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim. Furthermore, where restriction was required between a product and a process of making the product, as is the case here, and the product invention was elected and subsequently found allowable, all claims to a nonelected process invention must depend from or otherwise require all the limitations of an allowable claim for the claims directed to that process invention to be eligible for rejoinder.

Since applicant has fully and completely responded to the Official Action and has made the required election, this application is now in order for early action on the merits of claims 20-31, 40-43.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

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708 Third Avenue, Suite 1501
New York, N.Y. 10017
(212) 244-5500/HMF:be